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RIGHTS OF THE CHILD

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos

Addendum

Report on the mission of the Special Rapporteur on the issue of commercial sexual exploitation of children to the Kingdom of Morocco (28 February-3 March 2000)

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Introduction

1. At the invitation of the Government of the Kingdom of Morocco (hereafter referred to as "Morocco"), the Special Rapporteur on the sale of children, child prostitution and child pornography visited Casablanca, Rabat, Meknès, Tangier and Marrakech from 28 February-3 March 2000, to study the issue of commercial sexual exploitation of children in Morocco.

2. During her visit, she met with the Minister for Human Rights; representatives of the Ministries of Youth and Sports, Education, Tourism, Justice, Culture, Foreign Affairs and Planning, the Secretariats of State for Social Protection, Family and Children and for Solidarity and Humanitarian Affairs, representatives of the Royal Gendarmerie, the National Police (Sureté nationale), the Parliamentary Commission on Social Affairs, the Consultative Council on Human Rights (Conseil consultatif des droits de l'homme), the National Office for Monitoring the Rights of the Child (Observatoire nationale des droits de l'enfant); and representatives of the United Nations Children's Fund, the United Nations Development Programme and UNIFEM and of several non-governmental organizations (NGOs).

3. A selective list of people and organizations with whom the Special Rapporteur met during her mission is annexed to the present report.

4. The Special Rapporteur would like to express her thanks to staff of UNDP Morocco for the logistical and practical support they gave to her, and her particular appreciation to UNICEF staff for the assistance they provided. She would also like to thank the Government of Morocco for extending the invitation to her, and for the very frank and open nature of the dialogue she was able to have with most sectors of the Government.

I. COUNTRY SITUATION

5. Morocco lies in the north-west corner of the African continent, bordering Algeria and Mauritania, and the Mediterranean Sea and Atlantic Ocean. Agriculture and, increasingly, tourism comprise the country's main industries.

6. A government census of population and housing carried out in 1994 estimated the population to be 26,074,000, which was expected to rise to 28.7 million by 2000. Approximately half the population lives in rural areas, including the majority of the 50 per cent of the population which is illiterate. In 1995, according to a national survey on population and employment, unemployment stood at 16 per cent - 22.9 per cent in urban areas and 8.5 per cent in rural areas. People aged between 15 and 24 were the worst affected, both in the country and in towns, and unemployment was higher among women in urban areas and higher among men in rural areas.

7. Morocco is a constitutional, democratic and social monarchy, in which sovereignty rests with the nation, with the King as its supreme representative. Islam is the State religion and most of the country's population is of the Muslim faith, but the Constitution proclaims freedom of religion. The Government is composed of the prime minister and ministers, and is responsible for enforcing the law and for the administration of the country. The prime minister exercises

regulatory power and may delegate certain of his powers to ministers. He is responsible for coordinating ministerial activities. Legislative power is exercised by the Parliament. The judiciary is independent of the legislature and the executive, and magistrates are appointed by dahir (royal decree).

8. Representatives of the Government with whom the Special Rapporteur met described their country as "going through a historic moment - a soft revolution led by our new King whose ambition is to establish a genuine democracy and achieve sustained and lasting development".

A. Sale of children

9. Few incidents involving the "sale" of a child have been reported in Morocco. However, the Special Rapporteur has traditionally interpreted "sale" broadly, to include all instances whereby a child is made the object of commerce, or is commercially exploited. As such, she will include information relating to economic exploitation, adoption, and trafficking and clandestine immigration involving children within this chapter. It is not necessarily to be interpreted that these cases constitute, in the Special Rapporteur's opinion, the "sale" of the children involved, but rather that such children are particularly vulnerable to being commercially exploited by others.

1. Economic exploitation

10. Several government ministries, United Nations agencies and most NGOs with whom the Special Rapporteur met confirmed that the situation of widespread abuse of young girls working as household maids, or petites bonnes, is amongst the most serious problems confronting Moroccan children.

11. In most cases, the girls, 50 per cent of whom are below the age of 10, are sent by their families from rural areas to work as maids in houses in the cities. They usually come from large families which have an average of seven or eight children, and which often do not have enough money to feed all family members. These children generally leave school before they reach the age of 10, and whilst the boys are sent out to work in the fields, the girls are sent to the large cities, especially Casablanca, Marrakech, Rabat, Meknès, Tangier, Agadir and Fès.

12. Often the parents genuinely believe that they are doing the best for their child - they consider that living in the city will give the child an opportunity that she would not have if she were to remain at home. Others see their daughters as a lucrative source of revenue. Often an agreement will have been reached with the future employer that the child will receive a certain number of hours of education each week. However, for many of these petites bonnes, the reality is very different.

13. Once they arrive in their employer's home, they are extremely vulnerable to exploitation. The girl is usually far away from home, and certainly cannot go back to her parents at night. Often she has no opportunity to meet people outside of her new household and consequently has nowhere to go and no one to turn to for help. She is unlikely to see much of her family for several years, and what little money she earns is usually given straight to her parents.

14. Several studies have been carried out in order to ascertain and improve the situation of petites bonnes. In 1996, the Moroccan League for the Protection of Children (Ligue marocaine pour la protection de l'enfance), in collaboration with UNICEF, held a "Day of study and reflection on the situation of the petites bonnes". During the study day, the results of a government inquiry which had been carried out in nine cities were presented; 450 petites bonnes under the age of 15, their parents and their employers were questioned for this study.

15. In most cases, the girls' work involved cleaning and general housework, looking after the children and doing the cooking for the whole family. Over 25 per cent of the girls questioned confirmed that their work involved all three tasks. Seventy-two per cent of the girls began their working day before 7.00 and 65 per cent did not finish until after 23.00; 81 per cent declared that they did not get a single day off in the week and 34 per cent claimed that they had to continue to work even when they were sick. In over 80 per cent of the cases, the child's salary, which was usually less than 300 dirham per month (10 dirham = US$ 1), was sent directly to their parents. Twenty-five per cent claimed that they were never allowed to be visited by their parents; 43 per cent of parents reported that they visited their child once a month and 36 per cent reported that they visited the child in order to collect her salary.

16. Information received from UNICEF estimates that up to 70 per cent of these girls do not receive any education, regardless of the agreements made before the child left her parents, and up to 50 per cent have no access to medical care.

17. There are no estimates as to how many children are employed in domestic service because of the "hidden" nature of the work, but the practice is clearly very extensive. Of particular concern to the Special Rapporteur is the vulnerability of these girls to physical and sexual abuse. In effect, the degree of protection accorded to each child is placed entirely in the hands of her employer. If the child is unpaid, overworked, or otherwise abused, her only alternative is to leave.

18. The Minister for Human Rights, the Ministry of Foreign Affairs and the Parliamentary Commission on Social Affairs all conveyed to the Special Rapporteur that the problem of child maids was of particular concern to them and that there was a high degree of awareness of it at all levels of Moroccan society.

19. They confirmed that there was a high incidence of rape and ill-treatment of child maids. UNICEF reported a particularly disturbing case some years ago, whereby neighbours had called the police to a house in Casablanca, as they had heard screams for help. The police discovered the child maid had been left behind whilst the family went away for the weekend, and that they had chained her up in the garage. However, the police decided that they could not intervene as it was a "domestic situation".

20. Many girls reportedly run away from their employers' households, but as they have invariably been brought far from their home villages to work in a large city, their surroundings are usually unfamiliar to them. Even where the girls have planned to return home, most soon become lost. Several sources reported to the Special Rapporteur that if a girl spends even one night on the street, she is very likely to be raped. The majority of such girls are illiterate, and are

unable to report either the address of their parents homes, or of their employers' households. In situations where no address is available for the police to return the child to, or she is suspected of being in violation of the law, the girl child is taken to the Bennani Girls' Centre in Casablanca.

2. Immigration and trafficking

21. The Minister for Human Rights informed the Special Rapporteur that another particular problem that Morocco was facing was that of clandestine emigration of children. He attributed this both to globalization, which is giving young people a perception that they would have many opportunities in a more developed country, as well as the geographic proximity of Morocco to Spain, making emigration a physical possibility.

22. Many children become so desperate to go to Europe that they attempt the trip by any means - including life-threatening methods such as hiding in airtight container vehicles. Such children are at great risk of exploitation prior to their trip, during the trip, and are extremely vulnerable when they arrive at their destination.

23. The children primarily head for Spain, France and Belgium for reasons of language: many Moroccan children can speak or at least understand French, and children from Tangier usually know Spanish as well.

24. Once these children have left Morocco it is extremely difficult for them to return. It is necessary for their families to ask the Moroccan authorities to seek their return, and for the Government to actually transmit this request to the country concerned. There are increasing numbers of Moroccan children, especially boys whose ages are getting younger each year, who, owing to the clandestine nature of their arrival in the host country and their lack of any identity papers, are forced to stay in mainland Europe until they are 18. Without these papers they cannot travel home, and are forced to remain in a situation with no educational or legal employment opportunities.

25. In order to survive, or to satisfy their families' expectations that money will be sent home, many of these children end up in prostitution. The Minister for Human Rights informed the Special Rapporteur that the activities of these street children often end up being controlled by the mafia.

26. Morocco also faces the difficulty of being a transit country for many people from all parts of Africa, some of whom have walked for years to try and get to Europe. The police explained to the Special Rapporteur that sub-Saharan Africans come through Algeria and covertly enter the north of Morocco to try to bypass the migration offices. There were allegations that the children of would-be emigrants from other African countries are occasionally abandoned in Morocco and are subsequently picked up by mafia networks and used for different illegal and exploitative activities.

3. Adoption

27. Of concern to the Special Rapporteur is the situation of babies who are born to unmarried mothers. A child born out of wedlock will not be readily accepted by its mother's family, and a

single mother can be imprisoned for 6-12 months unless she can prove that she was raped. Many single women who do become pregnant try to hide their pregnancies and/or abandon their babies shortly after giving birth.

28. There is no system of legal adoption as such in Morocco, but many children are brought up by other than blood relatives under the Kafala system, which provides needy children with a family, but does not allow the child to take the family name or have any inheritance rights.

29. The Special Rapporteur was advised that some adoptions were taking place outside of established legal channels. Information as to whether such babies were subject of national or clandestine intercountry adoption was not available. However, fears were expressed that secret adoptions could become a serious problem.

B. Child prostitution

30. Of the three elements of the Special Rapporteur's mandate, child prostitution is the most problematic in Morocco and occurs in each of the five cities visited by the Special Rapporteur. As such, the dynamics of the phenomenon as they pertain to each city will be considered in further detail in the following chapters.

1. Prostitution of boys

31. The primary reasons for boys entering prostitution in Morocco result from their being sent by their families, or choosing for themselves, to leave their homes to seek employment. Many such boys are illiterate, come from rural areas, and believe that they will be able to find work in the cities. As such, the involvement of boys in prostitution is considered to be an urban problem. Boys arrive in the cities and soon find the reality to be very different from their expectations. Very few opportunities for regular paid employment exist, and for those boys who do find work, for example in factories, their places of work sometimes provide a forum for sexual abuse, particularly involving the youngest boys.

32. For those left with no option but to try to survive by living on the streets, they soon form gangs, both out of a need for protection and in order to create some sense of belonging to a "family". The Special Rapporteur was advised that the maltreatment, including battering, of these boys, both by adults and by each other, was systematic. The incidence of sexual exploitation was reportedly high. Where boys do prostitute themselves, it was reported that in most cases this is not done on a regular basis. Although the boy might establish a relationship with an adult which lasts for a considerable period of time, this is not necessarily a loyal relationship and the boy will take other clients. Such relationships are often started with foreigners, usually with Europeans.

33. Boys who are in a position to keep the money that they earn through prostitution can support their families with it. However, some street boys become part of a clan whereby the leader, usually one of the older and most aggressive boys, begins to exploit the younger boys' need for protection and takes control of the money that they have earned.

34. The Special Rapporteur met with representatives from Bayti, an NGO based in Casablanca and Meknès which works with street children and offers rehabilitation programmes. She was advised that they sometimes are confronted with situations where children have contracted sexually transmitted diseases, including syphilis. There are also reports of street children contracting tuberculosis.

35. More problematic is the extent to which Moroccan street children are addicted to sniffing glue. Bayti advised the Special Rapporteur that of the children they work with, at the start of the programme most of them sniff at least two tubes of glue per day, and some sniff as many as 20 tubes in one day. They considered that this addiction was both a cause and a consequence of prostitution in that the need to get more glue in order to escape the harsh realities of life on the streets fuelled the need to earn more money, and so the vicious circle would continue. Several NGOs with whom the Special Rapporteur met confirmed that the problem of Moroccan children using drugs was limited to glue and soft drugs. There were no reports that children had regular access to, or were using harder drugs.

2. Prostitution of girls

36. Although it is culturally acceptable for boys to live on the streets, this is not the case where girls are concerned. Traditionally, Moroccan girls are protected by their immediate and extended family, and when sent to work as child maids, the expectation is that they will be closely supervised and unlikely to be given much, if any, freedom to leave the house. The Special Rapporteur was advised that incest does occur, although no studies of the phenomenon have been attempted, and the sexual abuse of child maids is well known. Where girls are abused, the perpetrators of the abuse are always adults - there is no information to suggest that girls are abused by their peers, unlike the situation of boys, who may abuse each other.

37. Regrettably, girls are starting to live on the street. Such girls are invariably child maids who have run away from intolerable working conditions, which may have included sexual abuse by her employer or members of the employer's family. However, the Special Rapporteur was advised that girls generally do not stay on the streets for more than a couple of days. They are either caught by the police, or they themselves go to the police. As previously stated, during these few days on the street, they are at a very high risk of being raped and being picked up by recruiters for use in prostitution.

38. Even for those girls who do not run away from their jobs, and who may even be working in reasonable conditions, the risk they face of later being sexually abused and/or entering into prostitution is high. These girls have usually been separated from their families at a very young age and taken to live in another family where they may see, but do not receive the love and affection of the adults which is lavished on their own children, who may well be of similar age to the maid. Even if she can later return to her own family, this is emotionally very difficult as she has lost her own childhood. These girls yearn for affection, and can easily be abused by the first person who shows them kindness.

39. Many girls who enter into prostitution are taken to El Hajeb, a town in the Middle Atlas, which is well known as a place in which to find prostitutes. In El Hajeb, prostitution is virtually

the only industry in a town that is otherwise a transit place for those travelling from southern and western Africa into Europe. It is alleged that many of the girls who work in the brothels are former child maids.

3. Child sex tourism

40. Other than in El Hajeb, it was reported that child sex abuse is largely carried out by Moroccans, and that there have been few reported cases where children have been used in prostitution for foreigners. However, the Ministry of Tourism agreed that this type of abuse is very hidden, and such cases would rarely come to the view of the authorities. Where foreigners are involved, Europeans and others from Western countries are more likely to seek out boys to abuse whereas men from other Arab countries, particularly the Gulf States, look for girl prostitutes. The Ministry of Planning informed the Special Rapporteur that this had been particularly problematic 15 or 16 years ago, when Arab tourists would regularly rent or even buy houses in order to engage covertly in sexual activities with young girls. However, the Ministry believed that this had largely been eliminated. Other sources considered that channels existed whereby men could gain access to children for prostitution, but no major networks for this purpose were in operation in Morocco.

41. The Ministry of Foreign Affairs conveyed to the Special Rapporteur its concerns regarding the true extent to which tourists are involved in child sex tourism, and the Minister for Human Rights advised her that awareness that this is happening in Morocco has been raised through the work of NGOs. He said that Morocco generally has high-quality tourism, and that tourists usually visited Morocco for its culture, history, or to play golf. Although Moroccan tourism is not necessarily free from illegal and immoral practices, Moroccan tour organizers are protected to a certain extent by the religious element. The Minister of Tourism keeps in close contact with all the recognized tour companies in Morocco, and few cases of child sex tourism are brought to their attention.

42. Over the last 10 years, Morocco has been training a brigade of "tourist police", primarily with the aim of protecting tourists from aggressive vendors, but also to protect nationals from tourists. This force is also trained to look out for abnormal situations - for example if tourists are seen in places where they would not normally be expected to visit. The Minister for Human Rights considered that it would not be particularly easy for tourists to carry out illicit sexual activities in Morocco, but those countries from which such tourists come should play a much stronger role in preventing their nationals from committing crimes of this nature when travelling abroad.

C. Child pornography

43. Very few cases of child pornography have been reported in Morocco. The Special Rapporteur was advised of two incidents that had occurred in the last five years. One case involved a number of Italians who were caught using both boys and girls to make pornographic videos, which were then sent all over the world. They were tried, received sentences of between two and five years, and were heavily fined. The other case involved a headmaster of a rural school who undressed two children and took photographs of them.

44. Both the Minister of Human Rights and the Parliamentary Commission on Social Affairs expressed the view that although the reported incidents of child pornography in Morocco have been very few, the problem does exist and is extremely well hidden. The scope and magnitude of the phenomenon would only be revealed when the victims are empowered to speak out.

II. REGIONAL SITUATIONS

A. Casablanca

45. Casablanca is the largest city in Morocco, with 3.2 million inhabitants, and has become the financial centre of the country with over half the country's bank transactions taking place there. Situated on the Atlantic Ocean, it has a large port and good connections with the rest of Morocco. It is also the centre of the most intensive industrial activity in the country, and a considerable proportion of the city's products is exported. Casablanca's industries include fishing, furniture, building materials, glass, textiles and electronics.

46. With regard to the situation of children, Casablanca faces two particular problems which are interlinked and result from the city's geographical and economic position. It has approximately 10,000 street children - probably the greatest number in any one city in Morocco.[1] These children come from all over the country, having been sent by their families to earn money or having travelled of their own volition, seeking new opportunities.

47. Casablanca also plays host to a large number of would-be emigrant children who try to reach Europe on the many ships that leave from the port. Most of these children live on the streets whilst attempting to emigrate, having travelled from different parts of Morocco.

48. In Casablanca, the Special Rapporteur met with representatives of Association Bayti which works with street children.[2] They informed her that most street children live in the centre of the city, and around other busy places. However, sometimes the children are more fragile and cannot take the pace of the centre, so they live in the quieter outskirts. The representatives from Bayti considered that the phenomenon of street children in Casablanca was contagious in that a street child will often tell his peers how exciting a life it is, and without access to information about the reality, many boys will see street life as a viable prospect.

49. The children earn money through irregular employment, by selling small items and by begging. Bayti informed the Special Rapporteur that although few boys rely on prostitution as a regular way to earn money many of the boys, especially the youngest ones, are regularly sexually abused by the older boys, by vagrants, and by tourists. Increasingly, girls are working on the streets, but in most cases they return home at night. Such girls are most likely to earn their money by selling items or by washing car windows. It was reported that there is not much sexual exploitation of girls on the streets.

50. The Special Rapporteur's party visited the port area of Casablanca at night. Many young boys aged between 12 and 15 hang around there, hoping for work with the fishermen when the boats come in, carrying the boxes of fish off the boats and selling any fish that are left over after the fishermen have sold their wares on the quayside. The street educators from Bayti reported that these boys are both protected and abused by the fishermen, and that sexual activities take

place between the boys themselves. The boys do not consider sexual abuse as something negative, but more as a sign that they are growing up, and something which they all do. Most of the boys in the port area during the visit were using drugs, sniffing glue and rags soaked in petrol or paraffin. The boys sleep on the boats and amongst the empty wooden boxes in which the fish are transported. The Special Rapporteur's party spoke to one boy who was apparently aged 14, but who looked much younger. He was very well respected amongst the fishermen and other boys as he was known to work very hard. He said that he had a large family and he worked to support them, usually sleeping in the port with the other boys, but occasionally going home and spending the night there. The boys usually form gangs, and this individual was part of a gang of about six. Each gang is very territorial. If a boy from a different gang comes into their territory, he is attacked.

51. Often these boys work in the area whilst trying to get on a ship to Europe. When the Special Rapporteur's party walked towards the port with the street educators from Bayti, two boys saw the group and ran away. The street educators recognized them as boys who were known to be trying to emigrate and would therefore be reluctant to be drawn into a dialogue with the group.

B. Meknès

52. Meknès is situated in northern Morocco, west of the Middle Atlas mountains. It has approximately 750,000 inhabitants and is a rapidly growing city. In Meknès, the Special Rapporteur visited the Fondation Rita Zniber, an orphanage for abandoned babies which has been created in hospital premises. The orphanage receives babies from all over Morocco, who are brought there by the mothers themselves who feel unable to look after them, by family members, or by other individuals who have found the babies abandoned on the streets. These babies are usually born to young unmarried girls who have hidden their pregnancies and given birth secretly.[3]

53. The Special Rapporteur also met with representatives from the local office of Bayti, who reported many of the same problems as those faced by children in other parts of Morocco. Bayti works regularly with approximately 200 children who live either partly or all the time on the streets of Meknès. They reported that the numbers of street children were increasing rapidly, and the root of the problem can always be traced back to the family. Although children do not often choose to come to Meknès of their own volition, preferring the larger cities of Casablanca and Rabat, the children there are either born in Meknès and unable to live with their families for various reasons, or who have gone to the city with their families from rural areas. In the absence of any employment opportunities, they start begging, and gradually become street children. Sometimes they move to the streets to escape aggression at home. Bayti reported a case in which the elder brother abused all his smaller siblings, who all eventually left the family home.

54. In 1997, when Bayti began its work in Meknès, they assisted 150 children, 12 of whom were girls living on the streets. The number of girls being assisted in 2000 has risen to 20. Bayti also reported that in Meknès, abuse of street children - both boys and girls, is virtually systematic, but is largely carried out by the older street children. They reported one situation of a local gang leader who is known to exploit all the street children who live in his group. There are 14 members of this gang, mainly aged between 9 and 14, with the older boys aged up to 22.

The leader gives them various jobs, such as shining shoes, or forcing them to go out begging or selling drugs. At the end of day, all the children get together and if one child has not cooperated, or has failed to earn enough money, he will be punished. The usual method of punishment was reported to involve the individual being tied to a tree, beaten and sexually abused. The leader reportedly forces all the members of the gang, even the youngest, to carry out the abuse.

55. Bayti reported that of the 250 children they had worked with since 1997, all had been sexually abused, except for the few that they had managed to contact when they first arrived on the street. As well as the abuse carried out by the older gang members, Bayti reported that "respectable members of society" are known to approach the children and take them into their homes. They clean them up and then pay them to be abused.

56. Girls are at great risk of being sold very quickly to brothels in El Hajeb in the Mid-Atlas if they come out on to the streets, as the gang leaders know where to take them to sell them. One girl was sold in this way to a brothel, finally managing to leave five years later when she was 20. Bayti also reported that brothels for boys do exist, but these are extremely clandestine and very difficult to identify.

C. Tangier

57. Tangier is situated in the far north of Morocco, on the Strait of Gibraltar. It has over 1 million inhabitants. The economic base of the city is shipping, communications, tourism and small-scale industry. Tangier reportedly has Morocco's largest black economy, where smuggling of people as well as goods between Spain and Morocco occurs.

58. Particularly problematic in Tangier is the constant arrival of individuals, sometimes whole families, from all over Africa trying to emigrate to Spain and further into northern Europe. Children who travel here alone, or who become separated from their parents end up living on the streets and soon join one of the street gangs.

59. Association Dama, which works with street children, advised the Special Rapporteur that the children, who are usually aged 14 or 15 but can be as young as 8, are exploited by the gang leaders and are forced to collect money for them by selling small items or drugs. The ringleaders reward the children with candies, and punish them with violence. The newest arrivals are easily recognized because they generally still look healthy. After a few weeks they are covered in scratches and have injuries from being beaten.

60. Both UNICEF and Association Dama confirmed that the number of street children was not alarmingly high, and varied between 200 and 350. However, UNICEF said that when children come off the streets, they are quickly replaced. They had reached the conclusion that the territorial nature of gang life amongst street children resulted in a limited number of opportunities for children to join gangs, a necessity for survival on the streets. They also concluded that it appeared to be primarily the gang or ring leaders who chose which children would replace those who had left. It is normally very difficult to get information about who these ringleaders are, and it is not known whether they are simply the oldest or toughest street children, or whether they are part of an organized network of exploiters and traffickers, or possibly both.

61. Both government and NGO sources confirmed that commercial sex tourism involving children exists in Tangier, but it remained unclear whether it is controlled by the gang leaders in the same way as the begging and drug dealing.

62. Association Darna informed the Special Rapporteur that on several occasions when they had tried to investigate the activities of the street children, in particular within the port area at night-time, the authorities had been reluctant to let them inside. Somewhat ironically, some of the children looking for a boat or lorry to hide in order to get to Europe offered to show representatives from the organization how to sneak into the port premises undetected!

D. Marrakech

63. Marrakech is both a commercial and tourist centre, situated in the interior of middle Morocco, north of the High Atlas mountains. It has approximately 650,000 inhabitants. Particularly problematic in Marrakech are child labour, the situation of street children, and a more recently reported phenomenon of abduction and rape of teenage girls.

64. Approximately 10 per cent of children in Marrakech work, and almost 20 per cent of children have no schooling. The worst affected are the people who live around the fringes of the city, and in the countryside. Many of these children are living in poverty or have parents who are divorced, and they work to help support their families. Some parents even encourage their children to go out and earn money on the streets. Some of these children go home at night, others stay on the streets and may occasionally go home. Some children, even as young as seven, with the ability to speak several languages become "false guides", earning money by showing tourists around the city.

65. It would appear that both boys and girls working on the streets of Marrakech are at greater risk of being drawn into prostitution than in other areas of Morocco, and that the phenomenon is not as clandestine as in the other large cities. This could be attributed to the very cosmopolitan nature of the city, and that many of the everyday activities of buying, selling and entertaining take place outdoors. The Special Rapporteur was informed that the abusers of these children are predominantly tourists, particularly those from the Gulf States. However, NGOs advised her that they considered the situation to have improved, in that it was previously common to hear of older Moroccan men driving around the streets looking for girls to rape. The police have taken measures to eliminate this practice, and many schools are now guarded.

66. Sexual exploitation of young girls working in the many factories of the industrial zone was also cited as a serious problem in Marrakech. In most cases where this occurs, the boss or supervisor will threaten the young female employee with the loss of her job if she does not comply with his demands, or if she tries to file a complaint.

67. In Marrakech, the Special Rapporteur met with a representative of the Association Ennakhil for the Woman and Child, who informed her that a series of rapes had been committed against girls from poor families over the last few years. The assailants reportedly waited in front of the girls' schools and abducted the girls on their way home. They then took them to an area of

palm groves on the outskirts of Marrakech, and committed the rapes. Sometimes the attackers took photographs of the girls whilst they were being raped and would threaten to show these pictures, in order to blackmail them into silence and to force them to help the boys gain access to other girls.

68. The attacks had allegedly been committed by the sons of wealthy, influential local men, including judges and politicians, who had enjoyed impunity for their crimes. In some cases, the parents of the aggressors reportedly bribed members of the police, the judiciary, and even the victim's parents not to proceed with cases against their sons.

69. Before 1999, the rapes had been kept hidden either by the girls themselves or by their parents, who felt too ashamed to speak out. The violations finally came to the attention of local organizations when the daughter of a doctor was attacked and her father filed a complaint. The Association Ennakhil was concerned that as many as 70 girls aged between 12 and 16 had been victims of the same group of young men, although not all had come forward to report the rape. Since the incident of the doctor's daughter, seven families had come forward to show their support for their daughters and to seek justice. At the time of the visit, Association Ennakhil was trying to mobilize the media to be involved and condemn the attacks. Journalists have interviewed various families, and the incidents have now received a somewhat limited degree of attention.

III. THE LEGAL FRAMEWORK

70. The Convention on the Rights of the Child entered into force on 21 July 1993 for Morocco, and the initial report to the Committee on the Rights of the Child was submitted in 1995. The Committee appreciated the open and self-critical manner in which the representatives of the Government provided both necessary and additional information, addressed the issues raised, and discussed the difficulties encountered in implementing the Convention. In particular, the Committee recognized the will of the Government to engage in a process of law reform in relation to children's issues.

71. The Committee expressed concern at the severe economic and social problems, including unemployment and poverty, which have had a negative impact on the situation of children. Concern was also expressed that traditional practices and customs which impede the full enjoyment of certain rights of the child remained.

72. In particular, the Committee was concerned that appropriate measures had not been taken to prevent and combat ill-treatment of children within the family and at the lack of information on this matter. It considered that the problems of the exploitation of child labour, in particular the use of young girls as domestic workers, and child prostitution required special attention.

73. The Minister of Human Rights advised the Special Rapporteur that the second stage of harmonization of Moroccan law with its international obligations was currently being carried out, but that much academic work still needed to be done in order to ensure that this harmonization would not conflict with religious law and create further discord within Moroccan society.

A. Child labour

74. The Special Rapporteur would echo the concerns of the Committee on the Rights of the Child regarding, in particular, the use of young female domestic workers. Under Moroccan domestic law, children are obliged to go to school until they are 13, and must not be employed in domestic work under the age of 12. Since ratifying the Convention on the Rights of the Child and Convention No. 138, of the International Labour Organization, efforts have been made to raise the age limit for recruitment into the labour market from 12 to 15. At the time of the Special Rapporteur's visit, a bill was being considered in this regard which would create a special status for domestic workers, including child maids. There is currently no criminal culpability of employers who recruit children under the age of 15 - this only arises where a child is being mistreated, and a complaint is lodged.

B. Physical abuse

75. Article 40 of the Penal Code provides that any person having knowledge of violence committed against a child must inform the public prosecutor. After the 1996 government survey on the situation of child maids, the Ministry of Public Health sent out a circular stating that in cases of mistreatment of children information could not be withheld on the grounds of professional secrecy. However, even where a judge is aware that a child is in danger, he can only be seized of the case following a complaint from a public prosecutor or from the victim him or herself.

76. The Penal Code contains provisions protecting both the physical and sexual integrity of the child. Article 408 of the Penal Code punishes any person who has care or custody of a child under the age of 12 and who inflicts any wounds, blows or violence upon the child which compromises its health. The sentence is between one and three years' imprisonment.

C. Sexual exploitation

77. Provisions of the Criminal Code and the Penal Code address sexual exploitation of children. The Government advised the Special Rapporteur that the sexual ethics aspects of the Criminal Code are based on Islamic law, and any use of children in a sexual way is punished by repressive criminal measures. The basic principle is that any sexual activity outside marriage is punished. The penalty for sexual relations between unmarried adults is between one and two years' imprisonment, and where the girl is a minor, the sentence is higher. If an adult is found in a hotel room with a minor who is not a family member, the presumption will be that the child is there for sexual purposes.

78. The relevant provisions of the Penal Code are as follows:

- Article 497 penalizes anyone who incites, supports or facilitates the corruption of minors of either sex up to the age of 18 with imprisonment from two to five years, and a fine of 200 to 5,000 dirhams;

- Article 498 provides punishment of six months to two years' imprisonment and imposes a fine of 250 to 10,000 dirhams, unless the act constitutes a more serious

infringement, to whomever knowingly promotes the prostitution of others, receives the earnings of the prostitution of another, acts as an intermediary between a person in prostitution and a client, or who lives with a person in prostitution;

- The Penal Code also covers situations in which the perpetrators of the sexual abuse are related to the child. Article 487 provides that if the culprits are older family members, individuals who have authority over the child, are his or her tutors, or are family servants, civil servants, or religious ministers, the penalty for sexually abusing a child ranges from 5 to 30 years, depending on the age of the victim.

79. When a case brought to the attention of the authorities involves the abuse of a child, the Special Rapporteur was assured that the child is never treated as an offender but as a victim. Under article 99 of the Code of Personal Law, in any such case the child will, so far as possible, remain with the people who normally have custody of him or her. If this is not possible, for example where the child normally resides with the individual(s) accused of the abuse, and it is not possible for the child to stay with any other family member, custody of the child is then temporarily given to a social institution, such as an orphanage, children's centre or foster parents. A current bill to reform the Code, a large part of which is devoted to combating violence against women, would improve the situation of child victims.

IV. THE CRIMINAL JUSTICE SYSTEM

80. The Special Rapporteur met with representatives from the Ministry of Justice and asked them about the response mechanisms for children seeking assistance. The Ministry deals only with judicial matters and is not mandated to deal with administrative concerns. There have been no juvenile courts since 1974, and there is currently no Minors Court, nor is there a Family Court in Morocco. However, civil courts have chambers which deal with specific problems such as child abuse.

81. As outlined in the previous section, no measures of protection can be offered to a child unless a complaint has been filed. Proceedings can be started by the child, and the Public Prosecutor's office then becomes involved. In most cases the child is returned to his or her family, but if this is not possible, the child will go to an institution.

A. Effect of legislation

82. Although the Criminal and Penal Codes provide an extensive array of penalties for acts of physical and sexual abuse of children, the Special Rapporteur is concerned that many legislative weaknesses which have the effect of further victimizing the child still remain, and that the assurances she received that an abused child is never treated as an offender are inaccurate. Of particular concern is the treatment of street children and those caught up in sexual exploitation. The most common problem relates to vagrant children who are forced to beg on the streets, sell items or prostitute themselves in order to survive. These children are more likely to be treated as delinquents than victims.

83. The Special Rapporteur was not advised as to penalties for boys found engaging in prostitution, but where girls are concerned, involvement in any sexual misdemeanour is treated harshly, with the onus placed upon the girl to prove that she did not consent.

84. The Ministry of Justice told the Special Rapporteur that when a female minor is caught engaging in prostitution, her motive is not really considered. Even if she is prostituting herself in order to survive, she is still considered to have carried out an illegal act. However, any measures taken against her will normally be of a protective nature, and a social inquiry will be carried out of the child's background. The family will be interviewed, and the presence of a parent throughout the court procedure is vital in order for the court to determine whether the girl can return to her family. If this is deemed not to be possible, the girl will be sent to the Bennani Girls' Centre in Casablanca. This is a closed facility which has the effect of imprisoning, and therefore penalizing the child.

85. The Special Rapporteur was not informed as to whether many cases have been brought against foreign perpetrators of child sex abuse, but no extraterritorial legislation exists and it would appear that in most cases, foreign abusers return unpunished to their home countries.

86. When sexual abuse occurs in the girl's place of employment - in the case of child maids usually her employer's home - she is very unlikely to file a complaint with the authorities. Most girls do not know how to do this, and the implications of declaring that one is no longer a virgin are extremely daunting for most unmarried women in Morocco.

87. The Special Rapporteur was advised that on the few occasions when the girl is brave enough to file a complaint, she has normally run away from the place of abuse first, or turns to the police after having been raped on the streets. As previously discussed, the vast majority of child maids are illiterate and work in cities far from their home villages; they rarely know their employers' addresses and, having run away through unfamiliar streets, often cannot retrace their steps. Even when they can point to the location of the house where they have been abused they are unlikely to reveal it through fear of being sent back to the same situation, or to their families who might reject them, especially if they have been sexually abused. Very few complaints are successfully prosecuted, and those that are usually arise from allegations of physical rather than sexual abuse, given the lower standard of proof which has to be presented and the risks of unsuccessfully alleging sexual abuse. Where she does choose to file a complaint of sexual abuse, she must produce two witnesses to corroborate her story. If she is pregnant and cannot prove that she was raped, she is then at risk of being charged with having had unlawful sex, defined as any sexual encounter outside of marriage.

88. Even where the girl can name her assailant, she still is not given the opportunity to prove that he is the father of her child as paternity testing is illegal in Morocco. The Special Rapporteur was advised that a girl who accuses her employer will rarely be believed, and that the authorities will be more likely to think that the child was fathered by a street boy. When a pregnant girl goes to the police, or if she is thrown out by her employers, she usually cannot return home, as in many cases her family will not take her back. However, in some cases where the girl abandons her child, her family might allow her to go home.

89. Where a baby is abandoned and is taken to an institution, the institution will choose the child's name and identity and these go on the child's birth certificate. If the mother keeps her child she does not have the right to give her own surname to her child, unless her father and her brothers agree to her giving the child the family name.

B. Detention of children

90. The Committee on the Rights of the Child, in its concluding observations on the report of Morocco expressed concern over the situation in relation to the administration of juvenile justice, in particular that children aged between 16 and 18 are treated as adults and that children deprived of their liberty are not separated from adults. The NGO Bayti advised the Special Rapporteur that over 1,000 minors were in jail in Casablanca.

91. Some criticism was expressed that the perceived solution to the problem of street children was to place them in detention facilities, particularly as the children are then treated as delinquents. One NGO informed the Special Rapporteur of the case of a street boy whom they had been trying to assist. His parents were divorced and had remarried, and the boy had been living with his father and stepmother. The boy was thrown out of his home when he was 15 and had then started living on the streets. The NGO tried to find a children's centre in which he could live, but was told that this was not possible unless he had committed a crime and had been placed in the centre by decision of a court! Staff at the NGO then looked after him illegally in their own homes until they were able to find one of his relatives who was willing to look after him.

92. Fifteen children's centres exist in Morocco for the stated purpose of rehabilitation, 14 of which are for boys. The Government admitted that there was only one such centre for girls (the Bennani centre) as not many girls commit crimes so few measures have been taken to look after them.

C. The role of the police

93. The Special Rapporteur met with both police forces of Morocco - the Royal Gendarmerie, which deals with the rural areas, and the National Police, which works in the cities.

1. The Royal Gendarmerie

94. The Royal Gendarmerie reported that no case involving the sale of a child and only one of child pornography had been reported in the last five years. However, there had been 16 cases of child prostitution reported in 1999, and many more reports of violence against children. However, the largest category of crimes against children comprised cases of abandonment.

95. With regard to violence against children, the Royal Gendarmerie reported that in the majority of cases one of the child's parents is responsible; in this regard they cited alcoholism amongst fathers as being of particular concern. Occasionally, reports of serious violence directed towards child maids by their employers appear in the press and in one recent case a young maid in Meknès was killed by her employer, who was later jailed. Instances of teachers

slapping children at school were also reported but cases of sexual abuse within the family were very rare - the Gendarmerie told the Special Rapporteur that they had only ever received a few such allegations.

96. The Gendarmerie advised the Special Rapporteur that if a minor wishes to file a complaint, permission must be granted by his or her parents or guardians and the complaint must go through them. This contradicts information received from the Ministry of Justice which advised the Special Rapporteur that a child can bring proceedings by him or herself. It would be of great concern to the Special Rapporteur if a child were placed in a situation whereby he or she would be unable to seek a remedy against his or her abuser without first gaining the permission of perhaps that very same person.

97. The Gendarmerie reported that although they have not created an actual tourist police corps as such, they did have specific units which work in tourist areas. One of the reasons for the creation of such units was to protect tourists from petty criminals, overzealous vendors and aggressive "false guides". The Gendarmerie agreed that such units should also be responsible for protecting Moroccan children from possibly abusive tourists.

98. The Gendarmerie advised the Special Rapporteur that there is no police specialist to handle children's cases as such, but that all problems involving minors were dealt with by the police force as a whole.

2. The National Police

99. The National Police reported that particularly problematic is the large number of young runaways who go to the cities from rural areas. The Special Rapporteur was told that many of these children become thieves and/or get involved in other illegal activities. Sometimes these activities are carried out because one child "dares" another to do it, and often the police find children begging in situations where they do not actually need money for survival but want to spend it on leisure activities, such as going to the cinema.

100. The National Police reported that they had no evidence that Morocco has a problem with any type of trade in children, and that they had not come across any trafficking networks. However, they believed that it was extremely easy to adopt a child in Morocco (insofar as "adoption" is provided for under Moroccan law through Kafala), as most children conceived out of wedlock are given away or abandoned at birth. The police also reported that in some cases, newborn babies are left at the doors of buildings.

101. Virtually no cases of child pornography have come to the attention of the National Police.

102. The National Police has a judicial police unit which includes a section for minors, and police are receiving training on issues such as human rights, family rights and the protection of children. Women have recently been allowed to join the national police force and many work in the minor's brigade, of which there is one in each police station in Morocco.

V. THE GOVERNMENT

103. The Ministry for Human Rights was established in 1993, with a mandate to maintain dialogue with citizens and organizations, to investigate cases, to identify any causes of failure to observe or implement human rights principles, and to encourage respect for human rights. It is also responsible for ensuring that domestic law conforms to the international instruments, to promote a human rights culture among the population through available educational and other methods, and to strengthen dialogue and cooperation with associations dealing directly or indirectly with human rights. Both government and non-governmental sources reported that they considered there was currently a strong political will to promote and ensure respect for human rights.

104. The King of Morocco has pledged to take action to protect the rights of women and children, and there was clearly much activity, especially concerning the rights of women, and efforts being made in that regard. The Special Rapporteur was also advised that the King had made children's issues a high priority and that Government, NGOs and civil society were working together to improve the protection of children.

A. Education

105. In the concluding observations of the Committee on Economic, Social and Cultural Rights in 1994, following the submission of the initial report of Morocco, the Committee expressed concern about the "persistence, in the State party, of a dual society characterized by disparities in the level of modernization and enjoyment of economic, social and cultural rights which especially affect persons living in rural areas. These disparities are particularly evident in the existence of marked differences in the levels of school attendance. According to the report submitted by the State party, the rate of primary school attendance in the urban areas is double that of the rural regions" (E/1995/22-E/C.12/1994/20, para. 111). The Committee then recommended that "more effort should be made in the area of education, particularly in the less favoured rural areas, and that an effort should also be made in the direction of reducing the apparent disparities between the rates of school attendance of boys and girls (ibid., para. 124).

106. During her visit, the Special Rapporteur was advised that attempts to improve the options available to children, especially girl children living in rural areas, have focused upon a campaign of schooling which has been assisted by UNICEF and the United States Agency for International Development (USAID). Efforts to spread basic education in rural areas are often hampered by a number of constraints, such as the absence of means of communication, the very scattered nature of many habitations, and the fact that certain rural districts are mountainous. However, despite these difficulties, the admission rate of children in schools in rural areas was 84.6 per cent in 1997/98, 75.2 per cent among girls.

107. The Government admitted that the inadequate school system in the country still presents a big hurdle to the full implementation of the rights of Moroccan children and that illiteracy rates remain very high, and the primary challenge has been to address and change the mentality of both children and their parents towards education. Children are often not encouraged to remain in school, as both they and their parents believe that it is a waste of time to spend too much time in school when one could be out seeking employment as soon as possible. The Government has

adopted measures to make schooling obligatory up to the age of 16, but enforcement has proved difficult. Attempts are also being made to integrate children with disabilities into the mainstream schools.

108. Within the school curriculum, the Minister for Human Rights reported that as from 2001, human rights would be taught in primary schools and secondary schools. Several human rights trainers have been trained for this purpose, and the intention is to remove anything which runs counter to a human rights culture from all textbooks in schools, in particular, anything which may denigrate women.

109. The Ministry of Education reported that children in schools would be educated as to their rights, and that courses on reproductive health were now being given to both boys and girls. In particular, "moral education" is now incorporated within the curriculum, aiming to teach children appropriate behaviour - especially girls from the age of 12 - and to prepare them for coping with risks such as being offered drugs, and to arm the child to protect him or herself from other temptations as he or she progresses through adolescence.

B. Children in difficult circumstances

110. The Special Rapporteur met with the Secretariat of State for Solidarity and Humanitarian Affairs, which is a new department within the Government created to address poverty and children in distress. The Secretariat reported that it assists 30,000 children, including orphans, children from rural areas and others placed in difficult circumstances following the divorce of their parents. The Secretariat provides financial assistance to NGOs, which manage children's centres providing accommodation for many children in need and ensure that these children receive schooling. One of the main goals of the Secretariat is to keep such children from living on the streets. However, if a child has been out of school, or has been living on the street for a considerable period of time, the Secretariat does not get involved because, it reported, once such children reach the age of 14 they rarely want to return to school.

111. Both governmental and non-governmental sources reported that there were not enough centres, and even if resources were available to open more centres, there was a great shortage of trained staff. Particularly problematic was the fact that at the time of the Special Rapporteur's visit, there was only one centre for girls - the Bennani centre. However, plans were being made to open a second centre for girls in Fèz in the north of the country, so that many of the girls could be closer to their families, and to turn the Bennani centre into a school.

C. The Bennani centre

112. The Special Rapporteur visited the Bennani Girls Centre in Casablanca. The centre is funded and administered by the Ministry of Youth and Sports, and was modernized earlier in 2000 with funds donated by individuals. Girls living in the centre are aged between 6 and 18. They are sent to the centre by a judge, either because they have been found on the streets and their parents cannot be located, or because they have committed a crime. As the centre was the only one of its kind in Morocco (at the time of the visit), girls come from all over the country. Bennani is a closed centre, and the girls receive schooling and vocational training, such as in

embroidery and hairdressing, inside the premises. The staff of the centre reported that the majority of the girls living there are former child maids who have run away from abuse at the hands of their employers.

113. Staff also advised the Special Rapporteur that although the incidence of sexual abuse of young maids is thought to be high, girls very rarely bring a complaint as they are largely ignorant of their rights, and unlikely to view the police as a body which will help them. Compounding this is the stigma attached to any type of sexual activity outside marriage, which further victimizes the innocent targets of sexual abuse.

114. Other girls are in the centre for reasons of poverty and vagrancy, or because they have been caught stealing, in prostitution or delinquency, or act violently towards other children. The staff were unaware of any cases of sexual abuse against the girls committed by members of their families, but said that had this occurred, most girls would be too ashamed to ever admit it. There were no reports of any of the girls having taken drugs prior to coming to the centre. The centre works with social workers all over the country to try to find the girls' parents and, where possible, to reunite the family. If the girl's "crime" is not a serious one, she can return to live with her family if they accept her. If the girl is suspected of having been involved in prostitution or has been sexually abused, in some cases her family will insist that she has an operation to "restore" her virginity.

115. The Special Rapporteur was told of the case of a girl who had previously lived in the centre who was actually from a wealthy family living in Casablanca, but who chose not to reveal her name. After two years staff discovered her identity and tried to return her to her family, but the girl was rejected by them. The Special Rapporteur was also told the stories of several of the girls whom she met. One little girl, aged seven, was found wandering in the streets of Casablanca and was unable to tell the police where she came from or whether her parents were still alive. Two girls in the centre, aged 14 or 15, had young babies with them. One of these girls was raped by an unknown assailant while working as a maid in Marrakech; it is unclear whether she ran away from her employer, but she bravely reported the rape to the police, who brought her to the Bennani centre. Her abuser was never caught. The other young mother ran away from an abusive situation in her employer's home, and within a couple of days of living on the streets, she was raped. She was taken to the Bennani centre, and when it later appeared that she was pregnant and was unable to prove she had been raped, she was taken to court and convicted of having had unlawful sexual intercourse. She was then returned to the centre.

116. The Special Rapporteur was told about another young girl living in the centre who had been sent there to serve a punitive sentence. She had also been working as a child maid and had been treated very badly by her employer. One day, on a religious holiday, the girl's mother travelled from her home village to see her daughter but the employer refused to let her in and chased her away from the house. In revenge, the maid killed her employer's baby by smothering it with a pillow.

117. Most of the girls are allowed to go home for religious holidays, unless they have no known parents. All the girls are released from the Bennani centre when they are 18, and if they are serving punitive sentences they are transferred to an adult prison.

118. Of particular concern to the Special Rapporteur is that both child victims and child offenders are housed together in the same facility. Whilst recognizing and appreciating that girl child offenders are not put into adult facilities until they are 18, she is alarmed that a child convicted of killing an infant would be placed together with a seven-year-old girl whose only crime was to be homeless. The Special Rapporteur recognizes that in most cases where a child has committed a crime, he or she is usually a victim as well, but she considers it essential that those who are wholly innocent or have been convicted of a "crime" such as begging or vagrancy, committed in order to survive, receive very different treatment from those convicted of serious crimes, in order to avoid further victimization. In particular, such children should not be placed in a closed facility. The Special Rapporteur was therefore encouraged to learn that the new girls' centre in Fèz would be spilt into two parts and that victims and offenders would be housed separately.

VI. NON-GOVERNMENTAL ORGANIZATIONS

119. The Special Rapporteur met with the following NGOs: Bayti, the Association marocaine d'aide à l'enfant et la famille, Fondation Rita Zniber, Association Dama, Moroccan League for the Protection of Children, Association Ennakhil pour la femme et l'enfant, Fondation Marrakech, Association Sauveguarde de l'enfant. She also met with social workers representing the organization Assistantes sociales.

A. Association Bayti

120. The Special Rapporteur met with representatives from Association Bayti in Casablanca and in Meknès. This NGO, which has 35 paid social workers and many volunteers working in Casablanca, Meknès and Essaouira, works with children in difficulty who go to these cities from all over Morocco. The organization works with, inter alia, street children, child labourers, abandoned children, victims of cruelty, delinquent children and sexually exploited children. Bayti works with a team of educators, social workers, psychologists, physicians, teachers and artists, and runs parental education courses and personalized training workshops.

121. Bayti runs a "streetkids" programme to reach out to the many homeless children, most of whom have lost contact with their families, have little or no respect for authority, face violence, hunger, cold and drug dependence every day, and who have lost all confidence in themselves. Bayti works by making contact with needy children through the street educators who visit the areas where the children hang out and attempt to win their confidence. They try to make the children think positively about their futures, then invite them to attend various workshops which will gradually prepare them for social reintegration. Bayti also holds workshops for minors who are in jail, to try to prevent them from relapsing into crime upon their release, and works with other NGOs to try to maintain a link between the child and his or her family whilst he or she is incarcerated.

122. The activities in the workshops include health care, sports, theatre and painting, group therapy and helping the children to stop glue sniffing. The latter usually becomes easier when the child tries to participate in sports and realizes, often for the first time, how unfit and unhealthy he or she has become. The workshops also channel the children according to their interests and skills, and prepare them for apprenticeships working in their area of skill.

123. Particularly difficult is the adjustment the children have to make from earning money whilst living on the streets. Bayti aims to give them long-term training, but most of the children are very impatient to earn money again. Efforts to resolve this are made by encouraging children to create items in the workshops which can be sold.

124. Bayti also works as much as possible with the children's parents, aiming to convince them that there are other ways to find income than through making their children beg. Bayti reported that this is the most difficult aspect of its work, especially where the child working on the street has become the main family breadwinner.

125. Bayti in Casablanca has two shelters, which at any one time have 80-100 children living there. An average of 15-20 children attend the workshops each day. Bayti estimates that it has assisted 5,000 children in six years. It has worked with approximately 500 families, of which about 265 have been successfully reintegrated. The shelters are kept basic so that the teenagers living there do not find it too difficult to return home to what might be possibly harsher conditions. All the children who come to the shelters have to participate in the workshops - no child is allowed to do nothing.

126. Bayti now runs programmes for both boys and girls, having started the girls' programme in 1998. It confirmed that the situation of child maids and their risk of sexual exploitation is the major problem facing the girls, and that it is very difficult to reintegrate with her family a girl who has lost her virginity. However, Bayti reported that it has generally had a better success rate with girls, who are less likely to break away after starting the rehabilitation programme. When the children come to one of the Bayti centres, rules are set down for the children to which they have to agree in writing. If any sexual transgressions are committed whilst the child is in the centre, the offender is expelled. The children stay in the centres for a maximum of two years in order not to become institutionalized, then Bayti helps them to move into their own apartments. Most of the children stay in the same area.

127. Bayti has exchange programmes and works with educators from Canada, France and Spain, in order to get a wide range of different ideas as to how to approach solving children's problems. A new approach which has recently been adopted is to invite the more successful post-programme children to go out with street educators to talk to the children who are living on the streets in their neighbourhood and who might have known about the child's previous life. Working with educators from these countries has kept Bayti informed as to the extent to which Moroccan children are living on the streets in France and Spain.

128. The Special Rapporteur visited "Bayti's Ranch", land which the organization can use but does not have permission to build on. It is intended to benefit all the children in the local area, giving them a safe and attractive place to play. The children themselves have worked to create a green area with little gardens, and look after chickens on the land. An old train wagon is parked on the ground and has been colourfully painted and is being turned into workshops, which might eventually even include a photo laboratory Opposite the ground is another shelter which houses younger boys under the age of 15, and girls of all ages. This shelter included some very young children brought there by their mothers who were unable to look after them.

129. Bayti works with a system of foster parents, in that it pays a family to look after a child. However, neither party is legally responsible for the child, as no such legal channel exists. Bayti has approached the Ministry of Justice in this regard.

B. Association marocaine d'aide à l'enfant et la famille

130. The Special Rapporteur met with the Association marocaine d'aide à l'enfant et la famille (AMAEF), an organization which has been in operation for 15 years providing assistance to children in the family. It carries out many activities in the medical, social, scientific, cultural and legal fields, including running its own hospitals and health centres and equipping public hospitals, assisting 600 orphans through allowances sent to foster families and carrying out studies and surveys on issues relating to children's rights. The Association has created a specialized centre to handle cases involving violations of children's rights, with a team of lawyers, doctors and psychologists. The cases usually deal with beatings, injuries and rape.

131. The representatives with whom the Special Rapporteur met considered that the extent of sexual abuse, including incest, of children in Morocco is probably similar to that in other countries, but no formal studies in that regard have been carried out. They considered that the nature of sexual exploitation for economic purposes differed between girls and boys and that for girls, it usually starts when they are working as child maids and are abused or their need for physical affection is easily taken advantage of. They are then prostituted to, usually, Moroccan men; when foreign men are involved, they are usually from other Arab countries. The Association believed that prostitution circuits involving organized pimps probably exist, but that there are no major prostitution networks as such.

132. AMAEF reported that boys' involvement in prostitution can often begin from their being abused whilst working in factories. It is mainly a phenomenon which occurs only in the cities and the boys usually keep the money which they earn, some even supporting a family from these earnings. The Special Rapporteur was advised that this sort of prostitution is not regular, and that the boys involved often develop some sort of relationship with an adult male. Foreign men who get involved with Moroccan boys are usually European.

133. The Special Rapporteur was encouraged to hear that the Moroccan public is becoming increasingly sensitized to issues of child rights, and that professional individuals are prepared to volunteer to work with the Association as they are concerned about child victims of abuse.

C. Fondation Rita Zniber

134. The Special Rapporteur visited the Fondation Rita Zniber in Meknès, an orphanage looking after abandoned babies located on the top floor of a hospital. Founder Rita Zniber explained to the Special Rapporteur that the majority of the children who live there have been born to unmarried mothers and are brought to the orphanage having been found abandoned on the streets, or by family members of the mother. Sometimes the mother might bring the child in herself and explain that she is currently unable to look after him or her, but intends to return to collect the baby at a later date.

135. So many babies are brought to the centre that each bed has two babies sleeping in it, and at the time of the visit, along one wall in the room housing the new-borns there were three long shelves with approximately 15 babies sleeping on each. Ms. Zniber informed the Special Rapporteur that approximately 100 children were living in the orphanage at the time of her visit. Older street children are not taken as the orphanage is not equipped to deal with youngsters from disrupted and broken families.

136. Most of the babies come immediately after birth, or when they are a day or two old. In situations where the child has been abandoned, he or she often needs intensive medical care to treat hypothermia, malnutrition or bites from rats and dogs. Sometimes the mother has delivered the child herself, and the babies arrive with resultant multiple infections. The orphanage now has its own infirmary with doctors and nurses who give some of their time voluntarily. Prior to the establishment of the infirmary, the babies went to the paediatric service in the general hospital below the orphanage. Ms. Zniber reported that in one year, all 100 babies who were taken there died. The mortality rate has now dropped dramatically, and the on-site infirmary has its own incubator.

137. The children stay in the orphanage as they grow older, and were reported to develop at a normal rate. The orphanage has many volunteers who work with the children, who appeared to be happy and well cared for. The older children have classrooms on the premises, and a safe area on the roof of the building has been created so that the children can play in the fresh air.

138. Of particular concern to Rita Zniber were the difficulties faced in legally providing new homes for these children. She explained that Morocco has signed but not yet ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and that the Government does have a draft bill on abandoned children, the text of which was prepared on the initiative of the State Secretariat for the Protection of the Family. Ms. Zniber had successfully persuaded many of those involved that single women should be allowed to adopt a child as it is better to have one parent than none at all, but the draft was dropped because of a conflict over whether mothers in distress should be allowed to "abandon" the baby directly to the orphanage. Those who opposed the text felt that only the public prosecutor could make a decision of abandonment and, upon so deciding, he would then have to apply the Criminal Code and thus imprison the mother. Until this issue is resolved, Ms. Zniber has made interim arrangements to accept a child first and then inform the public prosecutor in order for him to make his decision on abandonment whilst safeguarding the mother's identity.

139. As formal adoption does not exist in Morocco, the preference for families who want a child is to take a girl, as most couples consider that the inability for them to give the child the family name and for the child to have inheritance rights are not as important for girls. Also, most couples consider that a girl will be easier to handle. As such, the orphanage is home to boys of various ages, but only girls under about two years of age. The only older girls living there are handicapped, or who for some administrative reason have not been released to live with new families.

140. In certain cases, arrangements are made between a couple who want a child and a pregnant woman prior to the child's birth that if the child is a girl, the couple will take her but if it is a boy, then they will not.

D. Association Dama

141. The Special Rapporteur visited the Association Dama in Tangier, which began its work in 1995. The Association works with street children, many of whom arrive in Tangier intending to cross the Strait of Gibraltar to Europe. The organization began by setting up a listening centre, open from morning to evening, where children can come to find somewhere safe. Several workshops were equipped, and after 18 months between 40 and 60 children were visiting the centre each day. The average age of the children slowly increased, and when it became apparent that the older children were reducing the opportunities for the younger children to seek help, the decision was taken to open a place dedicated to providing training to the older children.

142. The premises which the Special Rapporteur visited had been abandoned for 16 years and were in ruins, but with the support of the initially reluctant authorities, and including the efforts of some of the children themselves, the premises are slowly being renovated and will provide a suitable place for the older children to attend workshops and learn new skills. The intention is that the children will have the responsibility to maintain the place once it is finished, as the Association places emphasis on the need to make the youngsters more self-reliant and less accepting of poverty and handouts.

143. Association Dama provides accommodation for up to 50 children and has up to 120 in the workshops. Two thirds of the assisted children are boys. All of the youths over the age of 18 are in vocational training and work alongside professionals. For children from rural areas, there is a self-financing training farm on the outskirts of Tangier where children can be reintegrated by learning how to cultivate crops.

E. Moroccan League for the Protection of Children

144. The Special Rapporteur met with the Moroccan League for the Protection of Children, an NGO working to improve the situation of the child and the mother through awareness-raising and legal assistance. The League meets with mothers and warns them not to leave their children alone, teaches them to take their children's complaints seriously, and encourages them to take their children to a doctor if they have any uncertainties about their child's health or suspicions that their child may have been abused.

145. The League recognizes the importance of schooling, and has created children's clubs in which educators come to talk to the children about the dangers of drugs, cigarettes, sexual abuse and prostitution. It also helps working children by organizing informal education, giving them some literacy lessons, and guides them to think beyond the lure of instant earnings and seek training for skills which would later provide them with a more stable and longer-lasting income.

146. Awareness-raising and advocacy work are an important aspect of the League's work, and they have organized meetings to expose and discuss subjects that have traditionally been considered taboo, such as sexual abuse and drug taking. The League has carried out surveys in different regions, organized seminars and made recommendations to the ministries concerned.

F. Association Ennakhil pour la femme et l'enfant

147. The Special Rapporteur met with the Association Ennakhil pour la femme et l'enfant in Marrakech. It works with street children, children who do not attend school, child labourers and victims of sexual exploitation. The children assisted by the organization are generally aged between 8 and 16, and may fall into just one or all of the above categories.

148. The Association discovered that when given even a small amount of encouragement, most children do want to go to school and have some level of education. Through one project, it has provided support to enable 300 children from illiterate families to stay in school and not drop out for financial reasons. The Association also provides basic informal education to street children and working children to try to reintegrate them into society and provide them with skills in areas such as mechanics, painting and other manual tasks. Children learn to play games on computers in order to stimulate their interest in learning how to operate other programs.

149. The Association provided the Special Rapporteur with information about the situation of sexual exploitation of children in Marrakech, including the cases of rape by the sons of wealthy local families.[4] The Association provides assistance to women and children who have been sexually abused or are in prostitution. It has a team of lawyers and psychiatrists who work with the women and children, who may phone in or come to the centre. The calls for assistance for children usually come from the mother as children themselves rarely know how to complain. When a woman arrives at the centre, she is taken to a private room and is met by a female counsellor, who prepares a case file and makes an appointment with one of the three lawyers who donate two hours of their time each week. If the woman or her child needs psychiatric help, the Association also has some access to voluntary psychiatric assistance.

150. The Association reported that they have particular difficulties reaching out to petites bonnes, many of whom rarely leave their employers' homes and do not know to whom they can turn if they run away. Many such girls working in Marrakech, some even as young as six, are very vulnerable to physical and sexual exploitation, and the majority of cases of pregnancy in unmarried girls and girls involved in prostitution with which the Association deals involves girls who are or who have been petites bonnes.

151. The Association also gave the Special Rapporteur information about the situation of "false guides" working in Marrakech. They told her of cases of children as young as seven who can speak several languages and support their whole family by taking tourists around Marrakech. The Association praised the Ministry of Tourism for its efforts to make Morocco more tourist-friendly, including training vendors not to cheat tourists and penalizing illegal guides. However, the same penalties are applied to children working as guides and many such children who are supporting their families this way are repeatedly arrested, fined and imprisoned for a week, and upon their release have no option but to carry on with their "trade".

G. Fondation Marrakech

152. Also in Marrakech, the Special Rapporteur met with the Fondation Marrakech, an NGO which has been in existence since 1996. The Fondation works with a network of professionals and carries out various activities relating to social development, including those connected with

the prevention of sexual exploitation, combating poverty and keeping children in school. It works with UNICEF which runs a house for girls aged between 8 and 20 from very poor neighbourhoods. The girls can receive training and follow a literacy programme which is designed to improve their self-esteem and help them to return to school. At the time of the visit, 10 girls had been placed in income-generating positions.

153. Concerning sexual exploitation, the organization expressed its frustration at the lack of statistics and diagnosis of the problem, which resulted in great difficulties in knowing how to assist such children. They advised the Special Rapporteur that together with UNICEF, a study on the situation of exploitation of children in workshops - some of whom are forced to work up to 10 hours a day and are at risk of sexual exploitation - is being attempted.

154. The Fondation Marrakech also works with a group of pharmacists to provide medical assistance to out-of-reach districts. Medicines are collected and classified by volunteer pharmacists, and then the Fondation Marrakech travels with volunteer doctors to these districts every 15 days to give medical examinations to people who seek assistance. The programme also provides many villagers with vaccinations; unfortunately, some villages are too remote to be reached.

H. Association Sauveguarde de l'enfant

155. Also in Marrakech, the Special Rapporteur met representatives of Association Sauveguarde de l'enfant, which takes care of vagrant children and those who are in danger of becoming vagrants. Working with specialist volunteers, the NGO provides educational, sporting and cultural activities for children who have never been to school or who have been abandoned.

156. The organization runs an open centre for the protection of children at risk, or children who are involved in judicial proceedings. The centre provides the children with vocational training, including woodworking, iron working, and sewing, usually over a period of two years. During the first year, when the children are learning their new skills, they have no opportunity to earn money, but as they progress they are able to sell the items they make and slowly begin to learn to rely on their own skills and efforts to make a living. Some of the poorer children reportedly spend their weekends in the workshops creating items for sale. The organization reported a desperate need for new equipment, such as sewing machines and tools for the workshops.

157. As well as workshops for vocational training, the Association Sauveguarde de l'enfant has a few volunteer teachers who provide training in literacy, foreign languages and maths. Several adults as well as children attend these classes. The centre does not have dormitory facilities, so the children return home at night.

I. Assistantes sociales

158. The Special Rapporteur met representatives of Assistantes sociales, an organization set up in 1994 by and for the 100 social workers in Morocco. Each social worker is assigned to a hospital, but has no mandate to work outside of the hospital premises. The position of social worker has no legal status and as such, they have no real authority to intervene.

159. The social workers reported that sexual abuse is still very much a taboo subject in Morocco, but that street children and those in certain institutions are particularly vulnerable. In most situations where the social workers have come into contact in the hospital with a young unmarried mother, her pregnancy has usually resulted from sexual abuse. Sometimes little girls who come to the hospital are too terrified even to speak, and their medical conditions often point to sustained sexual abuse over a period of time. The social workers confirmed that it is highly unlikely that any girl would file a complaint of this nature, and recommended that the Government consider allowing NGOs to file a complaint on behalf of such victims.

160. After a girl has given birth, in the majority of cases she cannot return to her parents even if she abandons the baby. As previously reported, there are no facilities for her other than in a detention centre. The social workers regretted that they have no mandate to help such girls and recommended that the authorities consider building a special house so that unmarried mothers can rest quietly for three months after giving birth, and that all social workers be empowered to have regular access to assist and advise these girls.

VII. THE PRIVATE SECTOR

161. The Special Rapporteur regrets that time constraints did not allow her to meet with representatives of the Moroccan business community. However, her meetings with several NGOs provided her with the opportunity to learn of some contributions which this important sector of society is making to assist children, as well as areas in which there was scope for greater involvement.

162. Bayti, Association Sauveguarde de l'enfant and other NGOs reported that they often worked with the private sector as regards professional training for the older children whom they were assisting. Once the children have achieved a certain level of skill, these NGOs seek to place them with organizations or professional individuals who can continue their training whilst paying them for their work. Bayti reported that in the more successful cases, the self-esteem of the child usually soars when he or she enters the world of work and starts to be able to give money to his or her family. As well as working with craftsmen and artists, children are commonly placed with bakers, jewellers, restaurants and as secretaries. Bayti reported that many companies have expressed interest in helping needy children, but there is very little public awareness of the issues involved and most such companies have no idea how they can contribute. In particular, Bayti considered that the large multinational corporations working in Casablanca, often in situations where street children live on their doorstep, should be encouraged to get involved. In this way, the assistance could come from within Morocco rather than from abroad.

163. More problematic are the difficulties in dealing with companies which exploit the children they have taken as apprentices. Sometimes the children are overworked, or the original agreement to give the child training does not materialize and the child becomes an odd-job person.

164. When the Special Rapporteur toured the premises of the Association Sauveguarde de l'enfant in Marrakech, she was taken into one disused room which at one time had obviously been very beautiful. It had the remnants of the traditional Moroccan tiling on the walls, but it

had become derelict and had a large hole in the roof. All that would be needed to restore the room were the materials and someone to train the children how to do the work. Given the prevalence of tiling as decoration throughout many buildings in the country, including hotels, restaurants, offices and homes, children who could learn this skill would have many opportunities to turn it into a career, whilst the Association would have a new workshop or classroom to use.

165. Another room in the same premises had been closed due to a lack of resources with which to equip it. The Association reported that some children coming to the centre want to learn skills such as plumbing, and would be able to carry out the necessary work if a trainer and resources could be found. The Special Rapporteur would appeal to business communities throughout Morocco, and especially those in Marrakech and Casablanca, to assist in this regard.

VIII. CONCLUSIONS AND RECOMMENDATIONS

166. The Special Rapporteur is very appreciative of the fact that although the extent to which children are affected by the concerns of her mandate is largely unknown, there is a recognition on the part of the various sectors that many serious problems will have to be addressed. The Special Rapporteur detected a genuine willingness on the part of the Government to confront and seek ways to forestall the spread of child exploitation and to alleviate the suffering of the children who are caught up in situations of exploitation and abuse. It is particularly encouraging to note the efforts Morocco is making on behalf of its children, taking into account the fact that any discussion of sexual abuse is still largely taboo in Moroccan society. It is also worthy of note that many of the NGOs recognize the serious attention being given by the current Government to the welfare of children.

167. The Special Rapporteur would make the following recommendations:

(a) Urgent attention should be given to the matter of the growing number of street children, especially in the big cities like Casablanca, Marrakech and Tangier. In this respect educational and sensitization campaigns should be addressed to the police and other law enforcement agencies in order to train them as to effective ways in which to deal with street children that will not add to their victimization;

(b) Places where children congregate should be closely monitored, not only to enable children to be rescued but also to deter potential abusers from exploiting them;

(c) The clandestine emigration of children, either voluntarily or through coercive methods, needs to be addressed. The geographic proximity of Morocco to Spain makes emigration a viable undertaking for many children. Educational and awareness-raising programmes must be initiated to inform the general public, particularly the children and parents, of the very real perils of illicit emigration, both in attempting to emigrate and in the place of destination;

(d) All legislation, particularly penal legislation, needs to be closely examined to ensure that children who are victims of abuse and exploitation are not held culpable criminally. Weaknesses in the law which discourage the filing of a complaint against abusers must be

corrected. For example, under Moroccan law, a girl complaining of rape must produce at least two witnesses to corroborate her story, and if she is pregnant, and cannot prove that she was raped, she runs the risk of being charged with having unlawful sex;

(e) The situation of child maids is of great concern. Both legislative and policy reforms must be made to at least ensure the safety of the children and their access to education. The Special Rapporteur joins the Committee on the Rights of the Child in its recommendation that more effort should be made in the area of education, particularly in the less favoured rural areas, and that the disparities that exist between the rate of school attendance of boys vis-à-vis girls be reduced;

(f) Education should be used as an effective tool to expose and discuss subjects that have traditionally been considered as taboo, particularly sexual and drug abuse. Advocacy should be addressed not only to children but also to the general population;

(g) The Special Rapporteur would urge the Government of Morocco to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption as a matter of urgency. Workable alternatives to the Kafala system of adoption should also be explored for children who have no relatives willing to give them a home;

(h) The Ministry of Tourism should seriously study and look for solutions to the plight of children working as "false guides" in Marrakech, who are often repeatedly arrested, fined and imprisoned;

(i) While there are no data on the abuse of hard drugs by children, glue sniffing appears to be rampant, especially amongst street children, and should be the target of awareness campaigns and vigilance;

(j) The matter of girls being drawn into prostitution should be given attention. There is a proliferation of reports that a growing number of girls, a lot of whom have started out as domestic help, are taken to El Hajeb, in Middle Atlas, where they are made to work as prostitutes;

(k) Response mechanisms should be put in place to enable children to seek help. In this connection police and law enforcement officers must be trained and sensitized to respond to children's calls for assistance and not just ignore them as being out of their domain when they involve purely domestic matters;

(l) The possibilities of drawing in the private sector, especially the business community, should be explored, both as partners for the protection of children and for the promotion and enhancement of their rights. Bayti reported that many companies have expressed interest in helping needy children, but there is very little public awareness of the issues involved, and most such companies have no idea as to how they could contribute. In particular, Bayti considered that the large multinational corporations working in Casablanca, often in situations where street children live on their doorsteps, should be encouraged to get involved. In this way, the assistance could come from within Morocco rather than from abroad.

Annex

SELECTIVE LIST OF PERSONS AND ORGANIZATIONS CONSULTED BY THE SPECIAL RAPPORTEUR DURING HER MISSION

Casablanca

Dr. M'jid - Director, Association Bayti

Mrs. Samir Wafa - Association Bayti

Bijakhim Mohamed - Association Bayti

Mrs. Abdeualuuan Bounaim - Association Bayti

Mr. Deia Taille - Fondation Air France

Amed Charaabi - Association jeunes (Marseille)

Mrs. Zhor Horr - Association marocaine d'aide à l'enfant et à la famille (AMAEF)

Dr. Guessous Chakib - AMAEF

Bennani Girls' Centre

Rabat

Mr. Mohamed Auajjuar - Minister of Human Rights

Ms. Hynd Ayoubi Idrissi - Ministry of Human Rights

Mr. Rassifi Mohamed - Ministry of Planning

Mrs. Lebbar Wafaa - Ministry of Planning

Mr. Ahmed Moussaoui - Ministry of Youth and Sports

Mr. Saleh Benyamma - Director of Educational Support, Ministry of Education

Mr. Fliou - Ministry of Education

Mr. Lachkar - Ministry of Education

Mr. Dahmani - Ministry of Education

Mr. Said Saadi - Secretariat of State for Social Protection, Family and Children

Mr. Hamou Ouhali - Secretariat of State for Solidarity and Humanitarian Affairs

Mr. Abdelali Bejelloun - Inspector General, Ministry of Tourism

Mr. Bishr - Office of Civil Affairs, Ministry of Justice

Mr. Issa Ikken - Chef de cabinet of the Minister of Culture

Colonel Benouna - Royal Gendarmerie

Mr. Hafid Benhachem - National Police

Mr. Zemrag - Parliamentary Commission on Social Affairs

Mr. Omar Zniber - Director for International Organizations, Ministry for Foreign Affairs and Cooperation

Mr. Benekour - President of he Commission on Relations with NGOs, Consultative Council on Human Rights

Mr. Touhani - Consultative Council on Human Rights

Mrs. Aicha Belkaid - Consultative Council on Human Rights

Mrs. Nezha Bejelloun - Consultative Council on Human Rights

Mr. Mustapha Denial - Consultative Council on Human Rights

Mrs. Zakia Mrini - National Office for Monitoring the Rights of the Child

Assistantes sociales

Olivier de Greef - Resident Representative, UNICEF

Rajae Berrada - Child Protection Programme Officer, UNICEF

Zazie Schafaer - UNDP

Meknès

Mrs. Rita Zniber - Fondation Rita Zniber

Association Bayti

Tangier

Mrs. Mounira Alami - Association Dama

Marrakech

Association Ennakhil pour la femme et l'enfant

Mr. Mohamed Abou Firass - Fondation Marrakech 21

Mr. Abdelsalam - Association Sauveguarde de l'enfant

Notes

[1] Bayti estimated that at the time of the visit, there were approximately 10,000 street children in Casablanca - an increase from approximately 2,000 in 1995.

[2] For further details, see chapter VI.

[3] See chapter VI.

[4] See chapter II, section D.